

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Senate Bill 213 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 13-21-3-12 IS AMENDED TO READ AS
- 4 FOLLOWS: Sec. 12. Except as provided in section 14.5 of this
- 5 chapter, the powers of a district include the following:
- 6 (1) The power to develop and implement a district solid waste
- 7 management plan under IC 13-21-5.
- 8 (2) The power to impose district fees on the final disposal of
- 9 solid waste within the district under IC 13-21-13.
- 10 (3) The power to receive and disburse money, if the primary
- 11 purpose of activities undertaken under this subdivision is to
- 12 carry out the provisions of this article.
- 13 (4) The power to sue and be sued.
- 14 (5) The power to plan, design, construct, finance, manage,
- 15 own, lease, operate, and maintain facilities for solid waste
- 16 management.
- 17 (6) The power to enter with any person into a contract or an
- 18 agreement that is necessary or incidental to the management of
- 19 solid waste. Contracts or agreements that may be entered into
- 20 under this subdivision include those for the following:
- 21 (A) The design, construction, operation, financing,
- 22 ownership, or maintenance of facilities by the district or
- 23 any other person.
- 24 (B) The managing or disposal of solid waste.
- 25 (C) The sale or other disposition of materials or products

1 generated by a facility.
2 Notwithstanding any other statute, the maximum term of a
3 contract or an agreement described in this subdivision may not
4 exceed forty (40) years.
5 (7) The power to enter into agreements for the leasing of
6 facilities in accordance with IC 36-1-10 or IC 36-9-30.
7 (8) The power to purchase, lease, or otherwise acquire real or
8 personal property for the management or disposal of solid
9 waste.
10 (9) The power to sell or lease any facility or part of a facility
11 to any person.
12 (10) The power to make and contract for plans, surveys,
13 studies, and investigations necessary for the management or
14 disposal of solid waste.
15 (11) The power to enter upon property to make surveys,
16 soundings, borings, and examinations.
17 (12) The power to:
18 (A) accept gifts, grants, loans of money, other property,
19 or services from any source, public or private; and
20 (B) comply with the terms of the gift, grant, or loan.
21 (13) The power to levy a tax within the district to pay costs of
22 operation in connection with solid waste management, subject
23 to the following:
24 (A) Regular budget and tax levy procedures.
25 (B) Section 16 of this chapter.
26 However, except as provided in sections 15 and 15.5 of this
27 chapter, a property tax rate imposed under this article may not
28 exceed eight and thirty-three hundredths cents (\$0.0833) on
29 each one hundred dollars (\$100) of assessed valuation of
30 property in the district.
31 (14) The power to borrow in anticipation of taxes.
32 (15) The power to hire the personnel necessary for the
33 management or disposal of solid waste in accordance with an
34 approved budget and to contract for professional services.
35 (16) The power to otherwise do all things necessary for the:
36 (A) reduction, management, and disposal of solid waste;
37 and
38 (B) recovery of waste products from the solid waste
39 stream;
40 if the primary purpose of activities undertaken under this
41 subdivision is to carry out the provisions of this article.
42 (17) The power to adopt resolutions that have the force of law.
43 However, a resolution is not effective in a municipality unless
44 the municipality adopts the language of the resolution by
45 ordinance or resolution.
46 (18) The power to do the following:
47 (A) Implement a household hazardous waste and
48 conditionally exempt small quantity generator (as
49 described in 40 CFR 261.5(a)) collection and disposal
50 project.
51 (B) Apply for a household hazardous waste collection and

disposal project grant under IC 13-20-20 and carry out all commitments contained in a grant application.

(C) Establish and maintain a program of self-insurance for a household hazardous waste and conditionally exempt small quantity generator (as described in 40 CFR 261.5(a)) collection and disposal project, so that at the end of the district's fiscal year the unused and unencumbered balance of appropriated money reverts to the district's general fund only if the district's board specifically provides by resolution to discontinue the self-insurance fund.

(D) Apply for a household hazardous waste project grant as described in IC 13-20-22-2 and carry out all commitments contained in a grant application.

(19) The power to enter into an interlocal cooperation agreement under IC 36-1-7 to obtain:

(A) fiscal;

(B) administrative;

(C) managerial; or

(D) operational;

services from a county or municipality.

(20) The power to compensate advisory committee members for attending meetings at a rate determined by the board.

(21) The power to reimburse board and advisory committee members for travel and related expenses at a rate determined by the board.

(22) ~~In a joint district,~~ The power to pay a fee from district money to the **county or** counties in the district in which a final disposal facility is located.

(23) The power to make grants or loans of:

(A) money;

(B) property; or

(C) services;

to public or private recycling programs, composting programs, or any other programs that reuse any component of the waste stream as a material component of another product, if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.

(24) The power to establish by resolution a nonreverting capital fund. A district's board may appropriate money in the fund for:

(A) equipping;

(B) expanding;

(C) modifying; or

(D) remodeling;

an existing facility. Expenditures from a capital fund established under this subdivision must further the goals and objectives contained in a district's solid waste management plan. Not more than five percent (5%) of the district's total

1 annual budget for the year may be transferred to the capital
 2 fund that year. The balance in the capital fund may not exceed
 3 twenty-five percent (25%) of the district's total annual budget.
 4 If a district's board determines by resolution that a part of a
 5 capital fund will not be needed to further the goals and
 6 objectives contained in the district's solid waste management
 7 plan, that part of the capital fund may be transferred to the
 8 district's general fund, to be used to offset tipping fees,
 9 property tax revenues, or both tipping fees and property tax
 10 revenues.

11 (25) The power to conduct promotional or educational
 12 programs that include giving awards and incentives that further
 13 the district's solid waste management plan.

14 (26) The power to conduct educational programs under
 15 IC 13-20-17.5 to provide information to the public concerning:

16 (A) the reuse and recycling of mercury in:

17 (i) mercury commodities; and

18 (ii) mercury-added products; and

19 (B) collection programs available to the public for:

20 (i) mercury commodities; and

21 (ii) mercury-added products.

22 (27) The power to implement mercury collection programs
 23 under IC 13-20-17.5 for the public and small businesses.

24 **SECTION 2. An emergency is declared for this act."**

25 Renumber all SECTIONS consecutively.

(Reference is to SB 213 as printed February 15, 2008.)

Representative STEUERWALD